



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER *et al.*

Appl. No.: 09/987,456

Filed: November 14, 2001

For: ***In Vitro* Methods of Producing and
Identifying Immunoglobulin
Molecules in Eukaryotic Cells**

Confirmation No.: 6770

Art Unit: 1639

Examiner: Epperson, J.D.

Atty. Docket: 1821.0070004/EJH/T-M

**Seventh Supplemental Information Disclosure Statement
Filing Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Seventh Supplemental Information Disclosure Statement is a continuation of Applicants' Sixth Supplemental Information Disclosure Statement filed on February 2, 2006, in connection with the above-captioned application.

Copies of documents **FP1** and **NPL1-NPL5** are submitted herewith. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, documents **US1-US9**, cited on the attached Form PTO/SB/08A are not submitted.

Also, a copy of document **NPL6**, cited on attached Form PTO/SB/08B, is not provided in accordance with 37 C.F.R. § 1.98(c), which states: "[w]hen the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative." Document **NPL6** as cited herein is unpublished U.S. Patent Application No. 07/987,456, filed December 7, 1992, and naming inventors Moss *et al.* This application is the parent application of U.S. Patent Nos. 6,998,252 B1 and 7,015,024 B1, cited herein as documents **US4** and **US5**, respectively. As such, the disclosure of **NPL6** is substantively cumulative of the disclosures of **US4** and **US5**.

Furthermore, a copy of document **NPL6** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 10/277,161, inventors Zauderer *et al.*, filed October 22, 2002, published as US 2003/0194696 A1, cited herein as document **US7**;

Application No. 10/901,415, inventors Zauderer *et al.*, filed July 29, 2004, published as US 2004/0265900 A1, cited herein as document **US8**; and

Application No. 11/389,111, inventors Zauderer *et al.*, filed March 27, 2006, published as US 2006/0160129 A1, cited herein as document **US9**;

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

The Examiner's attention is directed to the following previously cited co-pending U.S. Patent Applications that have issued as U.S. Patents, and which are directed to related technical subject matter:

Application No. 09/822,250, inventor Zauderer, filed April 2, 2001, which was previously cited as document **AR33** in the IDS filed on May 28, 2002, and is now patented as 6,706,477 B2, cited herein as document **US1**;

Application No. 10/034,350, inventor Zauderer, filed January 3, 2002, which was previously cited in the IDS filed on May 28, 2002 (duplicative of disclosure of **AR33**), and is now patented as 6,800,442 B2, cited herein as document **US2**; and

Application No. 08/935,377, inventor Zauderer, filed September 22, 1997, which was previously cited in the IDS filed on May 28, 2002 (duplicative of disclosure of **AR33**), and is now patented as 6,872,518 B2, cited herein as document **US3**;

Application No. 09/818,991, inventor Zauderer, filed March 28, 2001, which was previously cited in the IDS filed on May 28, 2002 (duplicative of disclosure of **AL8**), and is now patented as 7,067,251 B2, cited herein as document **US6**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our card payment

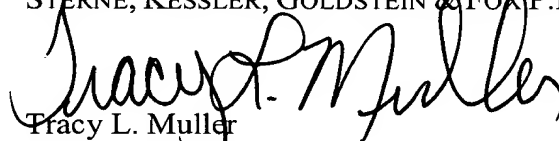
form PTO-2038 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return copies of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Tracy L. Muller
Attorney for Applicants
Registration No. 55,472

Date:

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Substitute for form 1449/PTO

**SEVENTH SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/987,456
Filing Date	November 14, 2001
First Named Inventor	Maurice ZAUDERER
Art Unit	1639
Examiner Name	Epperson, J.D.
Attorney Docket Number	1821.0070004/EJH/T-M

Sheet	1	of	1
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U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO				Complete if Known	
SEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	09/987,456
				Filing Date	November 14, 2001
				First Named Inventor	Maurice ZAUDERER
				Art Unit	1639
				Examiner Name	Epperson, J.D.
Sheet	1	of	1	Attorney Docket Number	1821.0070004/EJH/T-M

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL1	Higuchi <i>et al.</i> , <i>J. Immunol. Methods</i> 202:193-204 (1997)	
	NPL2	Rayner <i>et al.</i> , <i>Molec. Cell. Biol.</i> 14:880-887 (1994)	
	NPL3	Russell <i>et al.</i> , <i>Nucl. Acids Res.</i> 21:1081-1085 (1993)	
	NPL4	Smith, <i>et al.</i> , "Identification and Characterization of a Shared Murine Tumor Antigen," transcript of Ph.D. Thesis Seminar, September 18, 1998	
	NPL5	Smith, E.S., "Identification and Characterization of a Shared Murine Tumor Antigen," Ph.D. Thesis, University of Rochester, June 30, 1999	
	NPL6	U.S. Application No. 07/987,546, Moss <i>et al.</i> , filed December 7, 1992 (NOT PUBLISHED, but available on PAIR)	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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